

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR SPECIAL COUNCIL MEETING
OF
FRIDAY, APRIL 12, 1991
AT 10:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL

To Council Members Wolfsheimer, Roberts, Hartley, Pratt, Bernhardt, Henderson, McCarty, and Filner, members of the City Council of the City of San Diego, California:

A SPECIAL MEETING of the City Council is hereby called to be held in the Council Chambers, 12th floor, City Administration Building, 202 C St., San Diego, California, on Friday, April 12, 1991, at the hour of 10:00 a.m.

Said meeting will be held for the purpose of Council action on the following items:

Certifying the information contained in the Joint environmental Impact Report and Environmental Impact Statement (EIR/EIS) DEP-89-0744 in connection with the Secondary Sewage Treatment System and Associated Sludge Management Facilities. (Continued from the meeting of March 25, 1991, Item-206.)

Review of candidate sites for the location of Secondary Treatment and Sludge Management Facilities, associated pump stations and adoption of amendments to the Progress Guide and General Plan and community plans for those sites selected. (Continued from the meeting of March 25, 1991, Item-207.)

Alternate actions concerning Emergency Water Regulations:

- (a) Introduction and adoption of an Emergency Ordinance;
or
- (b) Introduction of an Ordinance amending the San Diego Municipal Code.

Amending and/or increasing certain currently effective water rates and charges as part of the annual review of water and sewer utility rates.

Introduction of an Ordinance amending the San Diego Municipal Code relating to Sewer and Water Adjustment.

Dated April 11, 1991.

MAUREEN O'CONNOR, MAYOR

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for the Special Meeting of Friday, April 12, 1991**

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Filner at 10:14 a.m. Mayor O'Connor announced that the City Council will conduct a special meeting on Monday, April 15, 1991, to consider unfinished business from today's meeting. The meeting was adjourned by Mayor O'Connor at 12:33 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-excused by R-277847
(Official business in Mexico City)
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (mp)

FILE LOCATION: MINUTES

ITEM-600: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-601: (R-91-1215) CONTINUED TO SPECIAL MEETING ON
APRIL 15, 1991, 3:30 P.M.

(Continued from the meetings of February 4, 1991, Item 205, and March 25, 1991, Item 206; last continued at Councilmember Henderson's request, in order to wait until the Court makes a ruling in EPA v City of San Diego, and to hold all water and sewer items together.)

Certifying that the information contained in the Joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS), DEP-89-0744, in connection with the Secondary Sewage Treatment System and Associated Sludge Management Facilities as recommended by the City Manager, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council; accepting the findings and recommendations and adopting the Findings and Statement of Overriding Consideration, contained within Environmental Impact Report DEP-89-0744, pursuant to California Public Resources Code Section 21081.

(See City Manager Report CMR-91-47. Barrio Logan/Harbor 101, Centre City, Clairemont Mesa, Pacific Highway, Mission Valley, Otay Mesa/Nestor, Otay Mesa, Peninsula, San Ysidro, Tia Juana River Valley, and University Community Areas. Districts-2, 6 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The Secondary Treatment System and Associated Sludge Management Facilities proposed for the San Diego area under the Clean Water Program involve the upgrade of the existing Point Loma Wastewater Treatment Plant to provide 112 million gallons a day (mgd) of secondary treatment capacity by 2003 and 150 mgd by 2023; the location of a new secondary treatment plant in the South Bay area with a capacity of 41 mgd by 1998 and 55 mgd by 2018, for a total secondary treatment capacity of 205 mgd; and the construction of sludge management facilities for the entire sewerage system. Project components would include secondary wastewater treatment, a new outfall, pump stations, wastewater and sludge pipelines and sludge management facilities. The Project Report and its accompanying Joint Environment Impact and Environmental Impact Statement (EIR/EIS) analyze two sites in the Point Loma area: north of the existing Point Loma site and the Midway Drive site; and two sites in the South Bay: the Dairy Mart Road and the Tia Juana Street sites, for the secondary treatment system. The EIR/EIS analyzes four sites for the sludge management facilities: a North City site, a site adjacent to the proposed South Bay Treatment Plant, a site at NAS Miramar North, and a site in Southeast Otay Mesa. Clean Water Program studies indicate that

the overall superior sites are Point Loma North (150 mgd) and Dairy Mart Road (55 mgd) for secondary treatment; and Eastgate Mall, NAS Miramar North, Dairy Mart Road Treatment Plant site, and Southeast Otay Mesa for sludge facilities; taking into account engineering, cost and environmental considerations. Studies performed for the EIR/EIS, taking into account only environmental factors, found that the environmentally superior sites are Point Loma/Midway Drive (100 mgd) and Brown Field in the South Bay (105 mgd) for the secondary treatment system; and Eastgate Technology Park and Brown Field for sludge facilities. Findings and Statement of Overriding Considerations have been prepared which support Council approval of the Manager's recommendations.

WU-CWP-91-110.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A011-C205.)

Motion by Wolfsheimer to certify the EIR/EIS and move ahead in accordance with Judge Brewster's decision so that the City can meet the deadlines of the Consent Decree; approve the plan amendments as required under Item-601. Second by Pratt. No vote taken.

Amendment by Bernhardt to certify the EIR and direct staff to prepare the supplemental on the No Project Alternatives and to reinstate the waiver application.

Amendment not accepted by maker of the motion.

Substitute motion by Filner to send back to staff for full consideration of the No Project Alternative and the alternative of keeping Pt. Loma at secondary, building the water reclamation part of the system, extending the outfall, adding alternatives advanced by Council Member Henderson and others, and reinstating the application for 301H waiver. Second by Henderson. Failed by the following vote: Yeas-5,6,8. Nays-1,4,7,M. Not Present: 2,3.

BY COMMON CONSENT THIS ITEM WAS CONTINUED TO THE SPECIAL COUNCIL MEETING TO BE HELD ON MONDAY, APRIL 15, 1991, AT 3:30 P.M.

ITEM-602: (R-91-) CONTINUED TO SPECIAL MEETING ON
APRIL 15, 1991, 3:30 P.M.

(Continued from the meeting of March 25, 1991, Item 207, at Councilmember Henderson's request, to wait until the Court makes a ruling in EPA v City of San Diego, and to hold all water and sewer items together.)

Matter of review of candidate sites for the location of secondary treatment and sludge management facilities, associated pump stations and consideration for approval and adoption of amendments to the Progress Guide and General Plan and community plans for those sites selected. The proposed amendments, with the exception of the Otay Mesa Community Plan amendment, were continued from a Planning Commission hearing on January 24, 1991 and a City Council hearing on February 4, 1991. Based upon final site selections by the City Council, the following community plans may require amendments:

SECONDARY TREATMENT AND ASSOCIATED SLUDGE MANAGEMENT FACILITIES AND PUMP STATIONS. Secondary and primary treatment facility candidate sites:

Midway Drive -- 150-mgd Primary Treatment Facility occupying 22-acres of the Air Force Plant 19 Parking Lot across from the Post Office in the Midway Community Plan area.

Point Loma -- expansion of existing Pt. Loma Wastewater Treatment Plant facility 300 or 1,000 feet to north of existing facility in the Peninsula Community Plan and Local Coastal Program Land Use Plan area.

The following sites will also include the South Bay sludge processing facility:

Dairy Mart Road -- 55 acres located south east of the intersection of Dairy Mart and Monument Roads. The site runs along the north side of Monument Road, with Dairy Mart Road as its north-west boundary, and old Dairy Mart Road as its east boundary. The Dairy Mart Road site facility is located within the Tijuana River Valley Community Plan area.

Tia Juana Street -- 88 acres located along the north side of Tia Juana Street at its western terminus in the San Ysidro Community Plan area.
Brown Field -- 100 acres located south of Otay Mesa Road and west of Cactus Street in the Otay Mesa Community Plan area.

Pump Station "D" candidate sites:

The two alternative site are located south of the Otay River channel and north of Palm Avenue, on either side of Hollister Street, in the Otay Mesa-Nestor Community Plan area.

The proposed amendments also constitute an amendment to the City of San Diego's Local Coastal Program (LCP). If approved by the City Council, the proposed LCP amendment must be submitted to the California Coastal Commission for review and final approval.

(Planning Department recommended approval of the amendments to the Progress Guide and General Plan; Midway Community Plan; Peninsula Community Plan and Local Coastal Program-LUP; and Tijuana River Valley Plan and Local Coastal addendum; was opposition. Planning Commission voted 5-0 to approve staff's recommendation with a modification.)

(The Midway Community Planning Group has recommended denial of this item (locating the sewage treatment facility in Midway.)

(The Otay Mesa Community Planning Group has been notified of this project and has not taken a position.)

(The Otay Mesa-Nestor Community Planning Group has been notified of this project and has not taken a position.)

(The Peninsula Community Planning Group has recommended denial of this item.)

(The San Ysidro Community Planning Group has recommended denial of this item.)

(There is no officially recognized community planning group for the Tijuana River Valley area.)

Adoption of a Resolution amending community plans; LCPs; and the Progress Guide and General Plan.

FILE LOCATION: LAND - Midway Community Plan, Peninsula Community Plan, Tijuana River Valley Community Plan, San Ysidro Community Plan, Otay Mesa Community Plan, Progress Guide and General Plan.

COUNCIL ACTION: (Tape location: A011-C205.)

Motion by Wolfsheimer to certify the EIR/EIS and move ahead in accordance with Judge Brewster's decision so that the City can meet the deadlines of the Consent Decree; approve the plan amendments as required under Item-601. Second by Pratt. No vote taken.

Amendment by Bernhardt to certify the EIR and direct staff to prepare the supplemental on the No Project Alternatives

and to reinstate the waiver application.

Amendment not accepted by maker of the motion.

Substitute motion by Filner to send back to staff for full consideration of the No Project Alternative and the alternative of keeping Pt. Loma at secondary, building the water reclamation part of the system, extending the outfall, adding alternatives advanced by Council Member Henderson and others, and reinstating the application for 301H waiver. Second by Henderson. Failed by the following vote: Yeas-5,6,8. Nays-1,4,7,M. Not Present: 2,3.

BY COMMON CONSENT THIS ITEM WAS CONTINUED TO THE SPECIAL COUNCIL MEETING TO BE HELD ON MONDAY, APRIL 15, 1991, AT 3:30 P.M.

ITEM-603:

(Continued from the meeting of March 4, 1991, Item S401; Trailed as Unfinished Business from the Special Meeting of March 14, 1991, Item 704; Continued from the meetings of March 18, 1991, Item S404, March 26, 1991, Item S500, and April 8, 1991, Item 201; last continued for further information from the County Water Authority.)

Alternate actions concerning Emergency Water Regulations:

Subitem-A: (O-91-152) RETURNED TO CITY MANAGER

Introduction and adoption of an Emergency Ordinance amending Chapter VI, Article 7, of the San Diego Municipal Code by amending Sections 67.38.2, 67.38.3, 67.38.4, 67.38.5, 67.38.6, 67.38.7 and 67.38.8, relating to Emergency Water Regulations.

(This Ordinance will take effect on the day of its adoption.)

NOTE: Six votes required for Subitem A.

Subitem-B: (O-91-139 Corr. Copy)) INTRODUCED, TO BE
ADOPTED APRIL 29,
1991

Introduction of an Ordinance amending Chapter VI,

Article 7, of the San Diego Municipal Code by amending Sections 67.38.2, 67.38.3, 67.38.4, 67.38.5, 67.38.6, 67.38.7 and 67.38.8, relating to Emergency Water Regulations.

(This Ordinance will take effect on the 30th day after its passage.)

CITY MANAGER SUPPORTING INFORMATION: California is entering its fifth consecutive drought year. Rainfall totals, snowpack depths and reservoir levels remain below normal State-wide. In light of current demands for water within the State, it appears that there may not be enough water in 1991 to serve all beneficial users of water, even if all users implement strict conservation measures and water rationing. On a local level, the San Diego County Water Authority (CWA) is asking all San Diegans to reduce their water consumption by 15% beginning on February 1, 1991. The City Manager issued a press release asking San Diegans to voluntarily comply with the CWA's request. A reduction of 30 percent will be requested by the CWA on March 1, 1991. The City Council adopted an Emergency Water Conservation Ordinance in 1987. Based upon the severity of the drought, the City should be prepared to respond immediately to requests for reduced water consumption in its service area. The recommended revisions to the Ordinance will provide the City with greater administrative ease when implementing various stages of the Ordinance. The recommended revisions include: 1) Defining unreasonable uses of water to include over-irrigation, failure to repair water leaks and hosing down paved areas; 2) Referring to Stage 1 (the voluntary compliance stage) as a Water Watch Stage; 3) Explaining the circumstances which would warrant enacting each of the four stages of the Ordinance; 4) Adding a provision in Stage 3 which would allow a new construction meter to be issued only when an old one is returned; 5) Adding a provision in Stage 4 which would allow greywater to be used for outdoor irrigation.

WU-U-91-140.

FILE LOCATION: Subitems A,B: --

COUNCIL ACTION: (Tape location: C218-D176.)

MOTION BY McCARTY TO RETURN SUBITEM-A TO THE CITY MANAGER AND TO APPROVE THE INTRODUCTION OF SUBITEM-B WITH DIRECTION TO STAFF TO CONSIDER THE ISSUES DISCUSSED AT THE JOINT PUBLIC SERVICES AND SAFETY COMMITTEE/COUNTY WATER AUTHORITY MEETING AS WELL AS TO SUPPORT THE CWA. THOSE ISSUES ARE (1) REVIEW THE CITY'S EXISTING LOCAL STORAGE POLICIES, AND PERHAPS THE POSSIBILITY OF A COORDINATED REGIONAL WATER STORAGE FACILITY; (2) REVIEW ISSUES RELATED TO THE CITY WATER RIGHTS, INVESTMENTS ON THE APPROPRIATE WATER STORAGE

CAPACITY; ANALYZE THE PRIORITIZATION OF THOSE ISSUES IN RELATION TO OPERATING STORAGE AND THE MAINTENANCE OF A DELIVERY SYSTEM CARRY-OVER STORAGE; (3) ANALYZE THE IMPACT ON THE RATE PAYER, PARTICULARLY ON THE MONTHLY BILLINGS, WITH RESPECT TO CWA EMBARKING UPON ITS CAPITAL IMPROVEMENTS PROGRAM; (4) REVIEW THE PUBLIC INFORMATION CAMPAIGN PROGRAMS TO SEE WHETHER OR NOT THEY WERE GOING TO BE ETHNIC SPECIFIC WHERE NEEDED AND WHETHER EQUAL OPPORTUNITY WILL BE PROVIDED IN THE CONTRACTING PROCESSES; (5) REVIEW THE DISTRIBUTION SYSTEMS FOR RECLAIMED WATER, THE POSSIBILITY OF BANNING AUTOMATED WATER SOFTENERS; (6) WITH RESPECT TO SEASONAL DISTRIBUTION SYSTEMS WHETHER SURFACE VERSUS SUBSURFACE STORAGE, REVIEW WHETHER SAN DIEGO SHOULD BE PURSUING AN INTEGRATED RECLAMATION WATER PLANNING SYSTEM; AND (7) REVIEW THE ISSUES RAISED REGARDING THE LEGISLATIVE ISSUES (BRADLEY BILL), AS WELL AS SOME COUNCIL ASSISTANCE IN ENCOURAGING THE GOVERNOR TO PROCEED WITH THE WATER BANK, THE DEVELOPMENT OF A STATEWIDE WATER PLAN, AND THE METROPOLITAN CAPITAL IMPROVEMENTS PROGRAM. Second by Pratt. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-604: (O-91-148) CONTINUED TO SPECIAL MEETING ON
APRIL 15, 1991, 3:30 P.M.

(Trailed as Unfinished Business from the Special Meeting of Thursday, March 14, 1991, Item 707; Continued from the meetings of March 18, 1991, Item S407, March 26, 1991, Item S503, and April 8, 1991, Item 202; last continued for information from the County Water Authority (CWA).

Introduction of an Ordinance amending Chapter VI, Article 4, Division 4, of the San Diego Municipal Code, by amending Section 64.0411, and amending Chapter VI, Article 7 of the San Diego Municipal Code, by amending Section 67.59.1, relating to Sewer and Water Rate Adjustment.

CITY MANAGER SUPPORTING INFORMATION: The Municipal Code (Section 64.0411 and 67.59.1) currently provides that water and sewer rates be adjusted annually on the first day of January to compensate for any increases in the costs of purchased water and/or energy which are beyond the control of the City. The Proposed Ordinance:

1. Amends Section 64.0411 (Sewer Rates - Adjustments) and 67.59.1 (Water Rates - Adjustments) to provide that adjustments to water and sewer rates be made at any time to compensate for increases in Water Purchase and/or Energy Costs.

WU-U-91-134.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: D177-183.)

MOTION BY HENDERSON TO CONTINUE THIS ITEM TO THE SPECIAL COUNCIL MEETING OF MONDAY, APRIL 15, 1991, AT 3:30 P.M. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-605: (R-91-1530) CONTINUED TO SPECIAL MEETING ON
APRIL 15, 1991, 3:30 P.M.

(Trailed as Unfinished Business from the Special Meeting of Thursday, March 14, 1991, Item 706; Continued from the meetings of March 18, 1991, Item S406, March 26, 1991, Item S502, and April 8, 1991, Item 203; last continued for information from the County Water Authority.)

Amending and/or increasing certain currently effective water rates and charges as part of the annual review of water and sewer utility rates.

Note: On 3/26/91 Council directed staff to begin the implementation of a tiered approach toward setting the water utilities rates based on the average residential use of 110 cubic feet per month, which is 250 gallons per house per day. Council also voted to continue this item to 4/8/91 for staff review of Mayor O'Connor's proposals and, depending on the outcome of the County Water Authority Meeting, tentatively schedule the item for a Special Council Meeting on 4/12/91.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: D177-183.)

MOTION BY HENDERSON TO CONTINUE THIS ITEM TO THE SPECIAL
COUNCIL MEETING OF MONDAY, APRIL 15, 1991, AT 3:30 P.M.
Second by Hartley. Passed by the following vote:
Wolfsheimer-not present, Roberts-not present, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-not present, Mayor O'Connor-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 12:33 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D185).